IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

SB CIVIL MISC. APPEAL NO.71/2006
Smt. Jadav Devi V/s Kalyan Singh & Ors.

28.8.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Sunil Jain, for the appellant.

This is an appeal for enhancement of compensation filed by the injured appellant Jadav Devi against the award dated 19.9.2005 passed by the MACT cum Additional District Judge, Beawar in MAC case No.560/2002.

The facts, in brief, of the case are that on 11.5.2002 the appellant along with her family was traveling in the Auto Rickshaw No. RJ-19-P-5085 and was going from Basni to Railway Station at Jodhpur, when they reached to New Power House road, suddenly a loading Matador No.RJ-19-G-6008 came from opposite direction and both the vehicles collided with each other. As a result of which, the appellant claimant suffered injuries.

The Claims Tribunal while considering the claim of Jadav Devi awarded Rs.4020/- for medical treatment, Rs.3,000/- for hospital expenses, Rs.10,000/- for two grievous injuries, Rs.5,000/- for five simple injuries and

Rs.3,000/- for loss of income and Rs.3,000/- on account of physical pain and mental agony. Thus, in all award of Rs.28,020/- was passed by the Claims Tribunal.

The submission of counsel for the appellant injured is that for future loss of income, amount has not been awarded.

I have gone through the award of the Claims Tribunal and further considered the amount awarded to the appellant on the aforesaid heads. As regard future loss of income is concerned, it appears that looking to the nature of injuries, it cannot be said that the appellant will suffer any loss of future income and she was rightly awarded Rs.3,000/- in respect of two months' loss of income on account of said injuries. The amount awarded by the Claims Tribunal under the various heads is just, legal and proper. There is no error in the award dated 19.9.2005.

The appeal fails and is dismissed.

(P.S. ASOPA) J.

ummed/-